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APR 11 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LeGrow et al. Docket: 2001US405
Serial No.: 10/002,710 Group Art Unit: 1615
Filed: October 24, 2001 Examiner: Fubara, B.
For: Leave-On Compositions for Personal Care

PETITION FOR WITHDRAWAL FROM ISSUE

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Sir:

The Applicant respectfully submits the following Petition for Withdrawal from Issue under 37 CFR §1.313(c)(2).

The Issue Fee in the present case was paid on March 23, 2007. On March 28, 2007, the undersigned was informed of an Office Action issued by the Japanese Patent Office on the corresponding Japanese Application. An English translation of the Japanese Office Action, as well as the references cited therein, is enclosed herewith in an Information Disclosure Statement filed along with a Request For Continued Examination.

In light of the above, Applicant respectfully requests withdrawal from issue under 37 CFR 1.313(c)(2) of the above identified application and consideration of a Request

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10

I hereby certify that this correspondence is, on the date shown below, is being transmitted by facsimile to Centralized Facsimile Number, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Fax No. 571-273-8300 (2 pages)

Vicki L. Sgro: *OSg* Adjustment date: 04/12/2007 TL0111 00000045 032060 10002710
Date: 4-11-07 02 FC:1464 130.00 LR
04/12/2007 TL0111 00000045 032060 10002710
02 FC:1464 130.00 DA

Attorney's Docket: 2001US405
Serial No.: 10/002,710
Group: 1615

for Continued Examination (RCE) to allow the Examiner to review the English Translation of the Japanese Office Action as well as the references cited therein.

If the Office of Petitions has any questions or the Applicants can be of any assistance, the Office of Petitions is invited and encouraged to contact the Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account No. 03-2060.

Respectfully submitted,


Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

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Industrial Property Department
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PTO/SB/30 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Request For Continued Examination (RCE) Transmittal		<i>Application Number</i>	10/002,710	
		<i>Filing Date</i>	10/24/2001	RECEIVED
		<i>First Named Inventor</i>	Gary LeGrow	CENTRAL FAX CENTER
		<i>Art Unit</i>	1615	APR 11 2007
		<i>Examiner Name</i>	B. Fubara	
		<i>Attorney Docket Number</i>	2001US405	

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendment filed before the final Office action may be filed at the USPTO. Previously submitted. If a final Office action is outstanding, any amendment filed before the final Office action may be filed at the USPTO. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 ii. Other _____

b. Enclosed
 i. Amendment/Reply
 ii. Affidavit(s)/ Declaration(s)
 iii. Information Disclosure Statement (IDS)
 iv. Other See 1 in Addendum

2. Miscellaneous
 Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 a.
 b. Other _____

3. Fees
 The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-2060

i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	04/12/2007	TL0111	00000045	032060	10002710
ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801	790.00	DA		
iii. <input checked="" type="checkbox"/> Other Petition Fee \$130.00					

b. Check in the amount of \$ _____ enclosed
 c. Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Anthony A. Bisulca	Registration No. (Attorney/Agent)	40,913
Signature		Date	04/11/2007

<http://www.sciencedirect.com/science/journal/00406034>

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below, to: 571-273-8200.

Office on the date shown below **EX TO 5/1/273-8300**
Name (Print/Type) **Vicki L. Sgro** 
Signature  Date **04/11/2007**

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. §2 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>08/11/09</u>		2 Serial/Patent # <u>10/002,710</u>		
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